III.   REMARKS

Status of Claims

Claims 1-76 were originally pending in the application. In the Non-Final Office Action

mailed August 21, 2007, the Examiner required restriction among the following groups of

claims:

Group I: Claims 1-15 and 39-53

Group II: Claims 16-27 and 54-65

Group III: Claims 28-38 and 66-76

In the Response to Restriction Requirement and Amendment filed on November 20,

2007, Applicants elected Group I (claims 1-15 and 39-53) for examination in the present

application, and withdrew claims 16-38 and 54-76.

In the Non-Final Office Action mailed March 18, 2008, the Examiner rejected all of the

elected claims 1-15 and 39-53.

In the present Response to Office Action, Applicants cancel claims 1-15 and 39-53 and

add new claim 77.

Accordingly, the only non-withdrawn claim now pending in the application is new claim

77. Applicants respectfully request entry and examination of claim 77.

Claim Amendments

In this Amendment, Applicants have cancelled claims 1-15 and 39-53 from further

consideration in this application. Applicants are not conceding that the subject matter

encompassed by claims 1-15 and 39-53 prior to cancellation is not patentable over the art cited

by the Examiner. Claims 1-15 and 39-53 were cancelled in this Amendment solely to facilitate expeditious prosecution of new claim 77. Applicant respectfully reserves the right to pursue claims including the subject matter encompassed by cancelled claims 1-15 and 39-53, and additional claims in one or more continuing applications.

New claim 77 is fully supported by the specification and drawings as originally filed, as shown in the following table. It is to be understood that this table is non-exhaustive and the features of the claim may be supported by other portions of the specification/drawings not cited below.

Feature of Claim 77	Support in Specification/Drawings
A computer implemented method for processing a plurality of records into a metric to measure a user's consumption of a resource of an on-demand service resource, the method comprising:	Par. [0008], lines 1-2; Figs. 3, 7 and 11.
responsive to the user consuming the resource of the on-demand service, the on-demand service comprising a sensor, a data gathering agent and a metering data consumer;	Par. [0045], lines 1-5; Figs. 3 and 4.
the sensor recording usage data relating to the to user's consumption of the resource;	Par. [0045], line 4; Par. [0046], lines 3-5; Figs. 3 and 4.
the data gathering agent receiving the usage data from the sensor and storing the usage data as a plurality of user-specific metering records, each of the plurality of user-specific metering records comprising a resource identification, a user identification, a resource measurement value, and a unit of work identification;	Par. [0038], lines 1-2; Par. [0045], lines 10-11; Par. [0046], lines 5-6; Par. [0047], lines 1-18; Figs. 3-5.

Feature of Claim 77	Support in Specification/Drawings
the data gathering agent transmitting a packet of usage data to a metering module, the packet comprising the plurality of user-specific metering records, the metering module comprising a web services interface and a processing engine;	Par. [0045], lines 2-3, 14-16; Par. [0046], lines 6-19; Figs. 3-4.
the web services interface receiving the packet and transmitting the packet to the processing engine;	Par. [0050], lines 3-4; Figs. 3-4.
responsive to a determination that a first record of the plurality of user-specific metering records contains an instruction to close a unit of work, the processing engine applying configuration data to the first record to create a metric corresponding to the first record;	Par. [0051], lines 1-6; Figs 4 and 6.
the processing engine storing the metric in the database, wherein the metric is stored in the database in the same format as the plurality of user-specific metering records; and	Par. [0049], lines 1-11; Par. [0051], lines 6-8; Fig. 6.
transferring the metric to the metering data consumer;	Par. [0045], lines 17-25; Par. [0051], lines 6-9; Par. [0064], lines 4-8; Figs. 3, 4 and 6.
wherein the on-demand service is remote from the metering module, communicates with the metering module via the web services interface, and the plurality of records are processed into the metric to measure the user's consumption of the resource of the on-demand service.	Par. [0008], lines 10-11; Par. [0045], lines 6-8, 22-23; Figs. 3 and 4.

Claim Rejections - 35 U.S.C. § 101

Claims 1-15 and 39-53 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. Claims 1-15 and 39-53 are cancelled herein and therefore these rejections are now moot.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 1-15 and 39-53 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1-15 and 39-53 are cancelled herein and therefore these rejections are now moot.

Claim Rejections - 35 U.S.C. § 102, Anticipation

Claims 1-15 and 39-53 stand rejected under 35 U.S.C. § 102 as being anticipated by Gifford (US 6,205,437). Claims 1-15 and 39-53 are cancelled herein and therefore these rejections are now moot. However, to expedite examination of new claim 77, Applicants briefly discuss the Gifford reference below.

Claim Rejections - 35 U.S.C. § 103, Obviousness

Claims 1-15 and 39-53 stand rejected under 35 U.S.C. § 103 as being unpatentable over Gifford in view of Saari (US 6,338,046). Claims 1-15 and 39-53 are cancelled herein and therefore these rejections are now moot. However, to expedite examination of new claim 77, Applicants briefly discuss the Gifford reference below.

Discussion of New Claim 77 and the Cited References

Claim 77

Claim 77 provides "a method of metering a user's consumption of an on-demand service resource." "The on-demand service is remote from the metering module" that carries out the resource usage metering. The on-demand service and the metering module communicate "via [a] web services interface" to the metering module. Accordingly, claim 77 provides "a method of metering a user's consumption" of a resource even though the on-demand service and the metering module are remote from each other and communicate over the internet.

One notable feature of claim 77 is that the metering module creates a metric corresponding to a record of resource usage. "The metric is stored in [a] database in the same format as the" record. This is important because it allows for the original metering records and the metrics to "be stored and retrieved using the same schema." Par. [0009], lines 8-10.

The Cited References

The Gifford reference discloses "a network sales system for enabling users to purchase products using a plurality of buyer computers that communicate over a network with a plurality of merchant computers." Gifford 3:19-22. However, Gifford is not at all related to metering the consumption of a resource of an on-demand service. Applicants respectfully submit that Gifford does not teach or suggest any feature of new claim 77.

The Saari reference discloses "a system and method for charging for usage of network service connections." Saari 2:2-3. However, Saari is related to connection to a network, and not

with consumption of resources of an on-demand service where the on-demand service is remote

from the metering module. More specifically, Saari does not teach or suggest at least storing

user-specific metering records and corresponding metrics in a database in the same format. For

at least these reasons, Saari does not anticipate claim 77 or render it obvious in combination with

Gifford.

CONCLUSION

Applicants submit that the claims are now in condition for allowance.

Respectfully submitted,

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